

25 FILE NO.: AC00850

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<p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3 FOR PLAINTIFFS:</p> <p>4 ROMANUCCI &amp; BLANDIN, LLC</p> <p>5 BY: Martin D. Gould, Esq.</p> <p>6 321 N. Clark St., Suite 900</p> <p>7 Chicago, Illinois 60654</p> <p>8 888.458.1145</p> <p>9 Email: Mgould@rblaw.net</p> <p>10</p> <p>11 FOR DEFENDANTS:</p> <p>12 JOHNSON &amp; TABOR, LLP</p> <p>13 BY: Thomas E. Johnson, Esq.</p> <p>14 11932 Harbor St., Suite 101</p> <p>15 Omaha, Nebraska 68144</p> <p>16 Phone: 402.344.0500</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 Videographer - Christopher Throm</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 INDEX TO EXHIBITS</p> <p>2</p> <p>3 EXH. 502 - Documents.....12, 69</p> <p>4 EXH. 503 - Documents.....16,108</p> <p>5 EXH. 504 - Documents.....16,146</p> <p>6 EXH. 505 - Austin Peay records.....57</p> <p>7 EXH. 506 - Typed document.....144</p> <p>8 EXH. 507 - College transcript.....150</p> <p>9 EXH. 508 - Document from Monterey Athletic..162</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 4</p>
<p>1 INDEX OF EXAMINATION</p> <p>2 NELSON LARIOS</p> <p>3 By Mr. Johnson.....5</p> <p>4 By Mr. Gould.....170</p> <p>5 COURT REPORTER'S CERTIFICATE.....178</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 -oOo-</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 3</p>	<p>1 VIDEOTAPED DEPOSITION OF 10:11:15</p> <p>2 NELSON LARIOS 10:11:15</p> <p>3 February 7, 2018 10:11:15</p> <p>4</p> <p>5 THE VIDEOGRAPHER: Good morning, ladies 10:11:15</p> <p>6 and gentlemen. My name is Christopher Throm, your 10:11:16</p> <p>7 videographer. And I represent Atkinson-Baker in 10:11:19</p> <p>8 Glendale, California. 10:11:22</p> <p>9 I'm not financially interested in this 10:11:24</p> <p>10 action, nor am I a relative or an employee of any 10:11:26</p> <p>11 of the attorneys or any of the parties. Today's 10:11:28</p> <p>12 date is February 7th, 2018. The time is 10:10 a.m. 10:11:30</p> <p>13 This deposition is taking place at the 10:11:35</p> <p>14 Monterey Marriott, 350 Calle Principal, Monterey, 10:11:37</p> <p>15 California 93940. 10:11:43</p> <p>16 This is case No. 8:17-CV-00-31, entitled 10:11:46</p> <p>17 Larios versus Chadron State College. The deponent 10:11:54</p> <p>18 is Nelson Larios. This deposition is taken on 10:11:58</p> <p>19 behalf of the defendant. Your court reporter is 10:12:01</p> <p>20 Yvette Gallardo, from Atkinson-Baker. 10:12:05</p> <p>21 Counsel, now please introduce yourself, 10:12:11</p> <p>22 starting with the questioning attorney. 10:12:12</p> <p>23 MR. JOHNSON: My name is Thomas E. Johnson. 10:12:14</p> <p>24 I'm with the firm of Johnson &amp; Tabor, LLC, 11932 10:12:16</p> <p>25 Harbor Street, Suite 101, Omaha, Nebraska 68144. I 10:12:21</p> <p style="text-align: right;">Page 5</p>

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**Nelson Larios**  
**February 7, 2018**

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<p>1 am co-counsel together with Baird Holm, LLP, of 2 Omaha, Nebraska, representing the defendant Chadron 3 State College and the Nebraska State College 4 system. 5 MR. GOULD: Martin Gould, on behalf of 6 plaintiffs, Lissette Larios Roohbakhsh, and Nelson 7 Larios. 8 THE VIDEOGRAPHER: Would the court 9 reporter please swear the witness in. 10 (The witness is duly sworn.) 11 NELSON LARIOS, 12 having been first duly sworn, testified as follows: 13 EXAMINATION 14 MR. JOHNSON: 15 <b>Q. Sir, would you state your name for the</b> 16 <b>record, please, and spell your first and last name.</b> 17 A. It's Nelson Larios. And it's N-E-L-S-O-N, 18 Nelson. Larios is L-A-R-I-O-S. 19 <b>Q. Mr. Larios, if I'm correct you are one of</b> 20 <b>the named plaintiffs in the lawsuit about which we</b> 21 <b>are gathered today; is that correct?</b> 22 A. That is correct. 23 <b>Q. And you are familiar with the complaint</b> 24 <b>that was filed in that lawsuit to initiate it?</b> 25 A. Yes.</p> <p style="text-align: right;">Page 6</p>	<p>1 A. Yes. 10:14:19 2 <b>Q. And you understand that there are</b> 10:14:20 3 <b>significant legal consequences for persons who</b> 10:14:24 4 <b>willfully fail to tell the truth while under oath?</b> 10:14:27 5 A. Yes. 10:14:30 6 <b>Q. You do?</b> 10:14:31 7 A. Yes. 10:14:32 8 <b>Q. Are you -- you are represented by counsel</b> 10:14:33 9 <b>today. Correct?</b> 10:14:35 10 MR. GOULD: Yes. 10:14:38 11 THE WITNESS: Yes. 10:14:39 12 <b>Q. (By Mr. Johnson) And your counsel is</b> 10:14:39 13 <b>Mr. Gould?</b> 10:14:40 14 A. Yes. 10:14:41 15 <b>Q. I will be asking you questions on behalf</b> 10:14:41 16 <b>of Chadron State College, to which I will ask you</b> 10:14:43 17 <b>to answer verbally. We have a court reporter here.</b> 10:14:46 18 <b>We also have a videographer. But our main record</b> 10:14:50 19 <b>in this case is the court reporter's transcript.</b> 10:14:53 20 <b>She will record verbatim everything I ask you and</b> 10:14:56 21 <b>everything you say in response. And in order for</b> 10:14:59 22 <b>her to make that kind of record, you have to</b> 10:15:02 23 <b>verbalize your responses. Okay?</b> 10:15:04 24 A. Understand. 10:15:07 25 <b>Q. In ordinary conversation, we tend to nod</b> 10:15:08</p> <p style="text-align: right;">Page 8</p>
<p>1 <b>Q. Did you review it and approve it prior</b> 10:13:23 2 <b>to its filing?</b> 10:13:25 3 A. Yes. 10:13:29 4 <b>Q. Have you ever given a deposition before,</b> 10:13:30 5 <b>sir?</b> 10:13:33 6 A. I don't -- I don't recall. 10:13:33 7 <b>Q. Have you ever been placed under oath and</b> 10:13:38 8 <b>testified before?</b> 10:13:41 9 A. Yes. 10:13:41 10 <b>Q. In what connection have you been under</b> 10:13:42 11 <b>oath?</b> 10:13:45 12 A. Traffic violation, and stuff like -- 10:13:47 13 THE COURT REPORTER: Could you repeat. 10:13:51 14 THE WITNESS: Traffic violation. 10:13:51 15 <b>Q. (By Mr. Johnson) All right. Anything</b> 10:13:51 16 <b>other than a traffic violation where you have</b> 10:13:52 17 <b>testified under oath?</b> 10:13:55 18 A. No. 10:13:57 19 <b>Q. Since this is your first experience with</b> 10:14:00 20 <b>a deposition, let me just kind of go over some of</b> 10:14:02 21 <b>the ground rules for you. First of all, you are</b> 10:14:04 22 <b>under oath, the same as if you were testifying in</b> 10:14:08 23 <b>a court of law. And do you understand that that</b> 10:14:11 24 <b>places upon you an obligation to be truthful in</b> 10:14:14 25 <b>your answers to my questions?</b> 10:14:17</p> <p style="text-align: right;">Page 7</p>	<p>1 <b>our head and shake our head a lot, but that won't</b> 10:15:11 2 <b>work here today. You need to verbalize your</b> 10:15:13 3 <b>response rather than nod or shake your head, or</b> 10:15:15 4 <b>shrug shoulders, things like that. Understood?</b> 10:15:18 5 A. Yes. 10:15:20 6 <b>Q. I will do my best to wait until you have</b> 10:15:21 7 <b>completed your answer before I ask you another</b> 10:15:24 8 <b>question, so that the court reporter has an</b> 10:15:27 9 <b>opportunity to accurately record what is said. I</b> 10:15:29 10 <b>would ask that you wait until I finish my question</b> 10:15:32 11 <b>before you answer, likewise, for that purpose.</b> 10:15:35 12 <b>Okay?</b> 10:15:38 13 A. Okay. 10:15:38 14 <b>Q. Your attorney may make objections for</b> 10:15:40 15 <b>purposes of the record. If he does so, please</b> 10:15:43 16 <b>wait until he finishes his objection before you</b> 10:15:46 17 <b>answer. But you may go ahead and answer the</b> 10:15:49 18 <b>question, notwithstanding his objection, unless</b> 10:15:51 19 <b>he instructs you not to answer, which he will do</b> 10:15:54 20 <b>if he feels that's proper. Okay?</b> 10:15:56 21 A. Understand. 10:15:59 22 <b>Q. Also, there may come a point in the</b> 10:15:59 23 <b>deposition where you don't hear me clearly or you</b> 10:16:02 24 <b>don't understand my question. If that happens, I'm</b> 10:16:06 25 <b>going to ask that you ask me to speak up, or</b> 10:16:08</p> <p style="text-align: right;">Page 9</p>

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1	<b>work?</b>	10:33:43	1	A. I don't recall.	10:35:45
2	A. Carpentry.	10:33:43	2	<b>Q. Was it more than a year prior to the final</b>	10:35:46
3	<b>Q. Okay. What's your current employment?</b>	10:33:45	3	<b>date?</b>	10:35:49
4	A. I work in the construction industry. I'm	10:33:50	4	A. More than -- yes, just -- just about.	10:35:52
5	a utility locator right now.	10:33:53	5	<b>Q. Do you recall approximately how old Fatima</b>	10:35:57
6	<b>Q. A what?</b>	10:33:55	6	<b>was when the divorce petition was filed?</b>	10:36:00
7	A. Utility locator.	10:33:56	7	A. She must have been 15 or 14.	10:36:06
8	<b>Q. What does a utility locator do?</b>	10:33:57	8	<b>Q. So was she in middle school or high school</b>	10:36:12
9	A. We find where the utility lines are so	10:33:59	9	<b>at that time?</b>	10:36:14
10	they don't get hit when --	10:34:02	10	A. She was in high school.	10:36:15
11	<b>Q. That makes sense.</b>	10:34:03	11	<b>Q. Was -- was there a custody dispute in the</b>	10:36:16
12	A. -- when construction crews are working.	10:34:04	12	<b>divorce at all?</b>	10:36:22
13	<b>Q. How long have you been a utility locator?</b>	10:34:06	13	A. No.	10:36:23
14	A. I've been doing that for 18 months around.	10:34:07	14	<b>Q. What was the custody arrangement regarding</b>	10:36:26
15	<b>Q. And what was your employment prior to</b>	10:34:10	15	<b>Emerson and Fatima as a result of the divorce?</b>	10:36:29
16	<b>that?</b>	10:34:14	16	A. Fatima was, you know, under age. Emerson	10:36:34
17	A. Carpentry.	10:34:15	17	was already over 18. And so he chose to live with	10:36:40
18	<b>Q. And was that finished carpentry or --</b>	10:34:16	18	me; and Fatima will stay due to access to school,	10:36:45
19	A. Finished carpentry.	10:34:18	19	stay with her mom. So she will stay with her mom	10:36:52
20	<b>Q. How long did you do that?</b>	10:34:19	20	through the school days, and she will come and	10:36:56
21	A. For about three years.	10:34:21	21	spend the weekend with me.	10:36:59
22	<b>Q. Then prior to that?</b>	10:34:23	22	<b>Q. All right. And was that the arrangement</b>	10:37:01
23	A. Prior to that I worked in landscaping.	10:34:25	23	<b>that adhered throughout the rest of her high</b>	10:37:04
24	Pretty much handyman.	10:34:32	24	<b>school career?</b>	10:37:07
25	<b>Q. All right. Are you married?</b>	10:34:34	25	A. Yes.	10:37:08
Page 18			Page 20		
1	A. No. I'm divorced.	10:34:37	1	<b>Q. So she spent every weekend with you and</b>	10:37:08
2	<b>Q. And how many marriages have you had?</b>	10:34:38	2	<b>weekdays with her mother?</b>	10:37:10
3	A. One.	10:34:40	3	A. For the most part.	10:37:12
4	<b>Q. Who was your wife? What was her name?</b>	10:34:41	4	<b>Q. And was Emerson living in Lissette's home</b>	10:37:14
5	A. Lissette. Maiden name Romero.	10:34:45	5	<b>at that time?</b>	10:37:17
6	<b>Q. When were you and Lissette married?</b>	10:34:49	6	A. He was -- Emerson was living with me.	10:37:17
7	A. We were married in 1988.	10:34:51	7	<b>Q. Okay. So when did you and Lissette first</b>	10:37:20
8	<b>Q. Where did that marriage occur?</b>	10:34:55	8	<b>separate your households?</b>	10:37:26
9	A. In Monterey, California.	10:34:57	9	A. I want to say at the end of 2012, maybe.	10:37:31
10	<b>Q. Is that where you met her?</b>	10:34:59	10	<b>Q. All right. And at that point in time,</b>	10:37:36
11	A. Yes.	10:35:01	11	<b>did you move to a different location?</b>	10:37:40
12	<b>Q. What children were born of your marriage</b>	10:35:04	12	A. No, I stayed in the house where we lived	10:37:41
13	<b>to Lissette?</b>	10:35:07	13	together.	10:37:45
14	A. Emerson.	10:35:08	14	<b>Q. And so Lissette moved?</b>	10:37:45
15	<b>Q. And what is Emerson's date of birth?</b>	10:35:09	15	A. Lissette moved to a property -- another	10:37:47
16	A. It's [REDACTED]	10:35:11	16	property that we owned together.	10:37:50
17	<b>Q. 1990?</b>	10:35:16	17	<b>Q. All right. And Fatima moved with Lissette?</b>	10:37:52
18	A. Yes.	10:35:17	18	A. Yes.	10:37:56
19	<b>Q. And other children of that marriage?</b>	10:35:18	19	<b>Q. And Emerson stayed where he was?</b>	10:37:56
20	A. Fatima.	10:35:20	20	A. Uh-hum.	10:37:59
21	<b>Q. And what was Fatima's date of birth?</b>	10:35:21	21	<b>Q. All right. How long did Emerson continue</b>	10:37:59
22	A. Fatima Larios is [REDACTED].	10:35:23	22	<b>to live at home? Did he ever move out on his own?</b>	10:38:02
23	<b>Q. When were you and Lissette divorced?</b>	10:35:28	23	A. He went to school up north to Santa Rosa	10:38:07
24	A. I want to say it was final in 2013.	10:35:34	24	for a while. And then he came back home.	10:38:14
25	<b>Q. When was the petition filed, if you recall?</b>	10:35:41	25	<b>Q. And when he came back, did he live with</b>	10:38:18
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1	information to one another. Anyway, there's a	03:11:00	1	if I knew what officials at Chadron knew, maybe I	03:13:53
2	disclosure indicating that either you or your	03:11:03	2	would be looking for signs of some type, but because	03:13:58
3	counsel have spoken with a present or former	03:11:07	3	I wasn't -- you know, I was just excited to see my	03:14:03
4	student at Chadron State College by the name of	03:11:10	4	daughter, I wasn't like looking at anything negative	03:14:06
5	Robin White, with respect to her experiences at	03:11:12	5	about her demeanor, or nothing.	03:14:09
6	Chadron State College, wherein she -- she may have	03:11:16	6	<b>Q. Did you see any evidence of any physical</b>	03:14:11
7	suffered some form of injury or abuse. Does that	03:11:18	7	<b>injury, any bruises, scrapes, scratches, anything?</b>	03:14:14
8	name Robin White mean anything to you?	03:11:21	8	<b>A. No.</b>	03:14:17
9	<b>A. Yeah, she -- she did try to reach out.</b>	03:11:27	9	<b>Q. No?</b>	03:14:19
10	<b>Q. Is that someone who contacted you?</b>	03:11:30	10	<b>A. I didn't know that we would be sitting</b>	03:14:19
11	<b>A. Yes.</b>	03:11:32	11	<b>over here right now, if I did see it.</b>	03:14:21
12	<b>Q. When was that?</b>	03:11:34	12	<b>Q. Okay. The answer is you didn't?</b>	03:14:24
13	<b>A. That could be two years ago, maybe.</b>	03:11:38	13	<b>A. No.</b>	03:14:26
14	<b>Q. What did Robin White tell you when she</b>	03:11:41	14	<b>Q. Okay. Did you see Brandon at all during</b>	03:14:27
15	<b>reached out to you?</b>	03:11:43	15	<b>that Christmas break?</b>	03:14:31
16	<b>A. I think what she said is that her daughter</b>	03:11:44	16	<b>A. No.</b>	03:14:33
17	<b>experienced some -- something horrible at Chadron,</b>	03:11:51	17	<b>Q. Do you know whether Fatima saw Brandon</b>	03:14:33
18	<b>and that she got -- you know, she didn't get any</b>	03:11:57	18	<b>during that Christmas break?</b>	03:14:36
19	<b>assistance with her complaints either.</b>	03:12:04	19	<b>A. I don't know.</b>	03:14:38
20	<b>Q. What did she tell you had happened to her</b>	03:12:08	20	<b>Q. Did Fatima ever tell you about a meeting</b>	03:14:39
21	<b>daughter?</b>	03:12:10	21	<b>that she had had with Coach Stack and assistant</b>	03:14:47
22	<b>A. I don't -- I didn't let her fill me up with</b>	03:12:10	22	<b>Coach Grizdovich where they asked her if she was</b>	03:14:52
23	<b>the story. I don't -- I told her that I was really</b>	03:12:17	23	<b>experiencing any problems or difficulties?</b>	03:14:55
24	<b>sorry about what she had encountered, that I would</b>	03:12:21	24	<b>A. She didn't tell me.</b>	03:14:56
25	<b>be more willing to let her speak to -- you know, to</b>	03:12:26	25	<b>Q. Did she ever tell you about an e-mail that</b>	03:14:58
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1	someone that, you know, would listen to her	03:12:30	1	<b>she had received from the college's title nine</b>	03:15:01
2	concerns.	03:12:35	2	<b>coordinator asking her if she needed any help or</b>	03:15:04
3	<b>Q. Did you ever have any follow-up</b>	03:12:37	3	<b>assistance?</b>	03:15:07
4	<b>conversations with that person?</b>	03:12:39	4	<b>A. No, she didn't.</b>	03:15:08
5	<b>A. I -- no.</b>	03:12:40	5	<b>Q. What -- what were Fatima's career plans,</b>	03:15:09
6	<b>Q. Did you -- now, when Fatima was home for</b>	03:12:42	6	<b>if you know, if she had any?</b>	03:15:16
7	<b>Christmas over the 2014, 2015 Christmas break, in</b>	03:12:50	7	<b>A. She wanted to finish college and come back</b>	03:15:19
8	<b>other words, the last time you saw Fatima --</b>	03:12:57	8	<b>to this community and do some work. I don't think</b>	03:15:22
9	<b>A. Right.</b>	03:12:59	9	<b>she knew exactly what she was going to do.</b>	03:15:29
10	<b>Q. -- did you see anything about her, or</b>	03:13:00	10	<b>Q. Did you ever have any belief or suspicion</b>	03:15:38
11	<b>anything about her physical appearance, or her</b>	03:13:03	11	<b>that your daughter was experimenting with marijuana?</b>	03:15:42
12	<b>demeanor, or her body language, or anything that</b>	03:13:06	12	<b>A. I mean, apparently for what we know now,</b>	03:15:46
13	<b>caused you any concern?</b>	03:13:09	13	<b>it's like everything happened so quick at Chadron</b>	03:15:53
14	<b>A. Not -- no. I mean, she came, you know,</b>	03:13:11	14	<b>that, you know -- I mean, she went to a Catholic</b>	03:15:58
15	<b>all the way from Chadron, and we were all about</b>	03:13:20	15	<b>school and through her friends, you know, I mean,</b>	03:16:00
16	<b>spending time together and doing things together.</b>	03:13:24	16	<b>they knew that she occasionally would have a drink,</b>	03:16:03
17	<b>I guess I wasn't suspecting anything, so I wasn't</b>	03:13:29	17	<b>but it wasn't anything like drugs or, you know.</b>	03:16:07
18	<b>looking for anything. So, therefore, no.</b>	03:13:33	18	<b>So whatever happened now, I didn't know.</b>	03:16:14
19	<b>Q. As far as you were concerned, she was</b>	03:13:38	19	<b>Q. One last question: In the complaint that</b>	03:16:17
20	<b>the same person you had dropped off at Chadron in</b>	03:13:39	20	<b>was filed on your behalf in this case, and</b>	03:16:22
21	<b>August?</b>	03:13:42	21	<b>specifically I think at paragraph 27, there's an</b>	03:16:25
22	<b>A. Right.</b>	03:13:42	22	<b>allegation made that fighting between Fatima and</b>	03:16:28
23	<b>Q. Same demeanor, same personality, the same</b>	03:13:43	23	<b>Brandon began in about October of 2014.</b>	03:16:31
24	<b>character?</b>	03:13:47	24	<b>What information do you have, if any,</b>	03:16:38
25	<b>A. Like I say, I -- I probably would have --</b>	03:13:48	25	<b>that leads you to believe that fights between</b>	03:16:41
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COURT REPORTER'S CERTIFICATE

I, YVETTE GALLARDO, CSR No. 12889,  
Certified Shorthand Reporter, certify;

That the foregoing deposition was  
had before me at the time and place therein set.

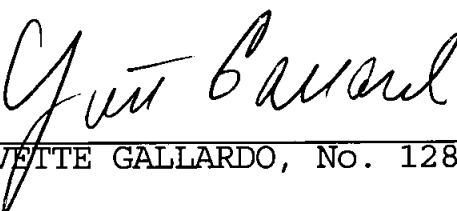
That the testimony of the witness, the  
questions propounded, and all objections and  
statements made at the time of the examination  
were recorded stenographically by me and were  
thereafter transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative  
or employee of any attorney of the parties, nor  
financially interested in the action.

I declare under penalty of perjury under  
the laws of California that the foregoing is true  
and correct.

Dated this 22<sup>nd</sup> day of February, 2018.

  
\_\_\_\_\_  
YVETTE GALLARDO, No. 12889

(signature waived)